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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Imran Ahmed

SERIAL NO.: 09/200,119

FILED: November 25, 1998

FOR: Method Of Treating Eye  
Infections With Azithromycin

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

:Examiner: Elli Peshev  
:Art Unit: 1623

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By 

AMENDMENT UNDER RULE 111

This is in response to the Office Action dated February 5, 2002, the term for response having been extended three (3) months by including the appropriate fee and petition herewith. Reconsideration of the rejection is respectfully requested in light of the comments which follow.

REMARKS

The allowance of claims 1-3, 8 and 10-12 is acknowledged with gratitude. It is respectfully submitted that claim 13 should be allowed as well since it depends from allowed claim 1. Applicants are assuming that this was simply a typographical error.

Claims 4-6, 9 and 13-17 stand rejected over under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 95/09601. The Examiner took the position that:

The WO Patent discloses azithromycin in the form of a gel (see, for example page 6, lines 28-32. The claimed compositions are anticipated by the WP patent. In addition, if there are any differences between the claimed compositions and the prior art compositions, the differences would appear to be minor in nature and the claimed compositions, which